

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**NANCY JOHNSON**

**PLAINTIFF**

**V.**

**NO. 4:23-CV-241-DMB-JMV**

**PATRICIA EVANS**

**DEFENDANT**

**ORDER**

On February 27, 2024, United States Magistrate Judge Jane M. Virden issued a “Report and Recommendations” (“R&R”) recommending that this case be remanded to the Circuit Court of Coahoma County, Mississippi, for lack of subject matter jurisdiction. Doc. #12 at PageID 62. The R&R warned that any objections must be filed within fourteen days and that the “[f]ailure to timely file written objections to the proposed findings[,] conclusions and recommendations ... will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court.” *Id.* No objection to the R&R was filed.

Under 28 U.S.C. § 636(b)(1)(C), “[a] judge of the court shall make a de novo determination of those portions of the report ... to which objection is made.” “[P]lain error review applies where a party did not object to a magistrate judge’s findings of fact, conclusions of law, or recommendation to the district court despite being served with notice of the consequences of failing to object.” *Quintero v. State of Tex. – Health and Human Servs. Comm’n*, No. 22-50916, 2023 WL 5236785, at \*1 (5th Cir. Aug. 15, 2023) (cleaned up). “[W]here there is no objection, the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law.” *United States v. Alaniz*, 278 F. Supp. 3d 944, 948 (S.D. Tex. 2017).

The Court reviewed the R&R for plain error and concludes that the R&R is neither clearly

erroneous nor contrary to law. So the R&R [12] is **ADOPTED** as the order of the Court; this case is **REMANDED** to the Circuit Court of Coahoma County, Mississippi; and this case is **CLOSED**.

**SO ORDERED**, this 18th day of March, 2024.

/s/Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**